CURRENT DECISIONS

ADVERSE POSSESSION—TITLE BY INNOCENT MISTAKEN OCCUPATION.—The defendant for more than twenty years occupied to a wall which she had mistakenly built beyond the true boundary between her land and the plaintiff's. Within the statutory period the defendant explicitly disclaimed intention of wanting any land that did not belong to her. *Held,* that the defendant had gained title by open, continuous, exclusive, and adverse occupation. *Van Allen v. Sweet* (1921, Mass.) 132 N. E. 348.

The case is an excellent example of the better rule. See COMMENTS (1921) 31 YALE LAW JOURNAL, 195.

ATTORNEY AND CLIENT—IGNORANCE OF COUNSEL AS GROUND FOR NEW TRIAL.—The defendant was tried for a serious crime. His attorney displayed gross ignorance of certain rules of evidence, with the result that the accused was gravely prejudiced. *Held,* that there should be a new trial. *People v. Schulman* (1921, Ill.) 132 N. E. 530.

In civil cases, ignorance of counsel is not reversible error. *Quinn v. Wetherbee* (1871) 41 Calif. 247. Nor will the appellate court in any case grant relief for the mere negligent omission of an attorney who is presumably competent. *Bowman v. Field* (1881) 9 Mo. App. 576. In criminal cases, however, a new trial will be allowed where it appears that the defendant has been prejudiced as a result of extraordinary ignorance on the part of his counsel. *State v. Jones* (1882) 12 Mo. App. 93; see Milburn, *Curious Cases* (1902) 94.

CONSTITUTIONAL LAW—POLICE POWER—VALIDITY OF ORDINANCE VESTING IN MAYOR DISCRETIONARY POWER TO GRANT PERMITS TO HOLD MEETINGS IN PUBLIC STREETS.—The City of Mount Vernon, acting within its charter, passed an Ordinance prohibiting public meetings in the City's streets without a permit from the Mayor. The relators, all Socialists, having been arrested for an admitted violation of the Ordinance, sought their release in *habeas corpus* proceedings, alleging the Ordinance to be unconstitutional. *Held,* that the Ordinance was constitutional even though there might have been unfair discrimination in the instant case. (Pound, J., *dissenting*). *People v. Doyle* (1921) 232 N. Y. 96.

A contrary result was reached in a recent Connecticut case. *State v. Coleman* (1921, Conn.) 133 Atl. 385. It was adversely criticized in COMMENTS (1921) 31 YALE LAW JOURNAL, 183, 187. And the New York Court of Appeals expressly refused to follow it. In the instant case, the dissenting judge, while admitting that the Ordinance was originally valid, maintained that its discriminatory administration made it no longer so. *Yick Wo v. Hopkins* (1886) 118 U. S. 356, 6 Sup. Ct. 1064. That decision, if applied to its full extent, would have necessitated holding the Mount Vernon Ordinance invalid from its inception, which none of the learned judges were willing to do. And rightly so, for, as pointed out in the comment on the *Coleman* Case referred to above, what is proper regulation of the use of public property may not be at all proper in the regulation of the use of private property. A court should hesitate to declare an ordinance, valid on its face, invalid because of an unfortunate discrimination in its administration. In the *Yick Wo* Case, as in the instant case, the offenders might have been released without reference to the validity of the ordinance. But in that case, the maladministration was so glaringly flagrant that the Supreme Court was led to declare the ordinance there involved unconstitutional. In the present case, however, the normal appeal from the Mayor's decision would have been fully adequate.

KANSAS INDUSTRIAL COURT—CONSTITUTIONALITY OF REGULATIONS FOR CONDUCT OF PACKING BUSINESS.—In the settlement of a trade dispute between a small